



JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Wataru HIRAHATA et al

Group Art Unit: 1754

Serial No.: 09/741,889

Examiner: R. Harlan

Filed: December 22, 2000

For: CATALYST FOR ADDITION POLYMERIZATION, AND PROCESS FOR PRODUCING
ADDITION POLYMER WITH THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants have been advised that the examiner has considered that the present application contains claims to more than one invention and has required an election under 35 U.S.C. 121 between the Group (I) invention directed to claims 11-15, drawn to a process; and Group (II) invention directed to claims 1-10, drawn to a catalyst system

In response to the Restriction Requirement, applicants hereby elect the Group II invention, i.e., Claims 1-10, drawn to a catalyst system and respectfully request that the non-elected subject matter be permitted to remain pending until divisional application(s) can be filed.

This election is made with traverse since it appears that a search of the subject matter of the elected species would, of necessity, overlap the search area of the non-elected species. Thus, adherence to the requirement would chiefly result in unnecessary work for the PTO in processing separate divisional application(s); unnecessary expense for the applicant in filing it

and unnecessary inconvenience to the public in looking in two separate places for closely related subject matters.

It is noted that MPEP 803 states:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

In view of the foregoing, it is submitted that the Restriction Requirement should be withdrawn.

Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689

TPP/mat
Attorney Docket No.: TPP 31359

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Telephone: (202) 785-0100
Facsimile: (202) 408-5200 or (202) 408-5088

Date: July 6, 2004